REMARKS

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Claims 37, 39, 42, and 53 are currently being amended.

This amendment adds, changes and/or deletes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claims remain under examination in the application, is presented, with an appropriate defined status identifier.

After amending the claims as set forth above, claims 37-55 are now pending in this application.

Independent claims 37 and 53 have each been amended to recite the additional limitation that each supply module is "configured to store a respective process chemical." Support for this amendment can be found within the originally filed specification at least at pg. 4, ll. 12-13.

Independent claims 37 and 53 have also each been amended to replace a "cell module sensor comprising a weight sensor" with a "supply module sensor comprising a weight sensor" and "wherein the system is closed to environmental contaminants and provides for sterile processing of the biological cells" with "wherein the control module confirms a correct amount of each process chemical has been transferred by measuring change of weight of the process chemicals stored in the supply module." Support for these amendments can be found within the originally filed specification at least at pg. 5, ll. 22-26.

Dependent claim 39 has been amended to recite the additional limitation that "each of the supply containers stored different process chemicals," with support for this amendment being found within the originally filed specification at least at pg. 4, ll. 12-13.

Claim 42 has been amended to correct informalities, replacing "in-line filter" with filter.

Applicants believe that no new matter is introduced by way of these amendments.

Claim Rejections Under 35 U.S.C. § 112

Claims 37-55 stand rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement and under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter, which

applicant regards as the invention. Independent claims 37 and 53 have been amended to remove references to "the system [being] closed to environmental contaminants."

Applicants respectfully submit that these rejections are overcome by amendments to the claims.

Claims 38-51 depend directly or indirectly from independent claim 37 and claims 53-54 depend directly from independent claims 51 and are allowable for the same reasons set forth above.

Claim Rejections Under 35 U.S.C. § 103

Claims 37-41, 44-49, and 51-54 stand rejected under 35 U.S.C. §103 as being unpatentable over U.S. Patent No. 6,544,727 to Hei (Hei), in view of U.S. Patent No. 5,153,828 to Inoue et al. (Inoue et al.).

Independent claims 37 and 53 as amended herein recite a "supply module sensor comprising a weight sensor for providing the weight of each process chemical to the control module, wherein the control module confirms a correct amount of each process chemical has been transferred by measuring change of weight of the process chemicals stored in the supply module." (Emphasis added).

Independent claims 37 and 53 as amended herein are not obvious over the combination of Hei and Inoue et al., at least because the references alone or in combination fail to disclose, teach, or suggest all elements of the amended independent claims. Namely, neither Hei, nor Inoue, nor their combination disclose, teach, or suggest at least "a supply module sensor comprising a weight sensor for providing the weight of each process chemical to the control module, wherein the control module confirms a correct amount of each process chemical has been transferred by measuring change of weight of the process chemicals stored in the supply module." as recited in the amended claims.

The office action mailed on September 5, 2006 recites at page 6, second paragraph that "Hei does disclose a plurality of sensors, and specifically a sensor calculating the volume and weight of fluids to be reinfused to a patient." Applicants agree that Hei describes that some apheresis systems are programmable, such that "the operator is able to enter patient specific

variables, like weight and volume to be reinfused." As a patient specific variable, the weight referred to by Hei may relate to a patient's body weight. A patient's body weight may relate to a particular volume to be reinfused. Even if the patient specific variable of weight refers to a weight of the volume to be reinfused, that weight corresponds to a weight of the blood product (i.e., the cells). This is different to sensing the weight of process chemicals as recited in Applicants' amended claims.

The office action also refers to Hei's description at col. 66, ll. 62-65 that a computerized controller monitors and controls the pumps and may be connected to various sensors that monitor fluid volumes, contaminants, and the like. Applicants distinguish the Hei reference in that it refers to monitoring fluid volumes and not weights as recited in Applicants' amended claims.

Inoue et al. describes an apparatus for collecting blood into a blood container, including a structure for measuring the weight of the blood bag. The structure includes a blood bag supporting plate fixed to a tip portion of a weigher. (Col. 5, ll. 50-52). Inoue et al. fails to disclose, teach, or suggest a "supply module sensor comprising a weight sensor for providing the weight of each process chemical to the control module, wherein the control module confirms a correct amount of each process chemical has been transferred by measuring change of weight of the process chemicals stored in the supply module" as recited in Applicants' amended claims. Inoue et al. would have no need for such a supply module sensor comprising a weight sensor, because Inoue et al. does not use a supply module storing process chemicals. Inoue et al. merely describes weighing an amount of blood collected.

Accordingly, independent claims 37 and 53 are not obvious over Hei in view of Inoue et al., because neither reference nor their combination teach all of the elements of the amended claims.

Dependent claims 38-41, 44-49, 51-52, and 54-55 depend directly or indirectly from a respective one of independent claims 37 and 53 and are therefore patentable for the same reasons set forth above.

Claims 42-43 and 50 stand rejected under 35 U.S.C. §103 as being unpatentable over Hei, in view of Inoue et al., in further view of U.S. Patent No. 5,126,054 to Matkovich (Matkovich).

Dependent claims 42-43 and 50 depend directly or indirectly from amended independent claim 37 and therefore include all of the limitations of claim 37. Matkovich is directed to a venting means for venting gas from the transfer line of a liquid delivery system. Matkovich does not describe, teach, or suggest a "supply module sensor comprising a weight sensor for providing the weight of each process chemical to the control module, wherein the control module confirms a correct amount of each process chemical has been transferred by measuring change of weight of the process chemicals stored in the supply module."

Accordingly, claims 42-43 and 50 are not obvious in view of the cited combination of references, at least because Matkovich fails to therefore fails to cure the deficiencies of the combination of Hei and Inoue et al.

Claim 55 stands rejected under 35 U.S.C. §103 as being unpatentable over Hei, in view of Inoue et al., in further view of U.S. Patent No. 5,641,637 to Hudak (Hudak).

Dependent claim 55 depends indirectly from amended independent claim 53 and therefore include all of the limitations of claim 53. Hudak is directed to method of preparing lyophilized and frozen cell standards. Hudak does not describe, teach, or suggest a "supply module sensor comprising a weight sensor for providing the weight of each process chemical to the control module, wherein the control module confirms a correct amount of each process chemical has been transferred by measuring change of weight of the process chemicals stored in the supply module."

Accordingly, claim 55 is not obvious in view of the cited combination of references, at least because Hudak fails to therefore fails to cure the deficiencies of the combination of Hei and Inoue et al.

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 50-3431. Should no proper payment be enclosed herewith, as by a check or credit card payment form being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 50-3431. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 50-3431.

Respectfully submitted,

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By _____

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